

REMARKS

Claims 1-10 and 12-21 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 103(a) Rejection:

The Office Action rejected claims 1, 5, 6, 10, 12, 16, 17 and 21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ramaswamy (U.S. Publication 2003/0014469). Applicants respectfully traverse these rejections for at least the following reasons.

In regard to claim 1, contrary to the Examiner's assertion, the cited art does not teach or suggest at least the features of a client on a client machine configured to "create a plurality of client-side Object Request Brokers (ORBs) on the client machine, wherein each client-side ORB is coupled to a server-side ORB of a different one of the plurality of application server instances."

In the Action, the Examiner admits that Ramaswamy does not teach a plurality of client-side ORBs on the client machine, wherein each client-side ORB is coupled to a server-side ORB. The Examiner then asserts that the concept of redundancy is well known in the art. The Examiner admits that in Ramaswamy a single ORB is used to connect to the server-side ORB, but contends that it would be obvious to "modify Ramaswamy to create multiple ORBs on the client side," and asserts a motivation of "the desire to have redundant ORBs on the client side to allow access [to] the server in the case that a single client-side ORB fails."

However, Applicants' claim 1 does not simply recite, "wherein each client-side ORB is coupled to a server-side ORB." Instead, Applicants' claim 1 recites that each of the plurality of client-side ORBs is coupled to a server-side ORB of a different one of a plurality of application server instances. Claim 1 further recites that the client is

configured to select one of the plurality of client-side ORBs on the client machine according to a load balancing scheme in response to a request to access the application server, and access a particular one of the plurality of application server instances via the selected client-side ORB coupled to a server-side ORB of the particular application server instance. Thus, the plurality of client-side ORBs as recited in claim 1 are not “redundant ORBs on the client side” to “allow access to the server in the case that a single client-side ORB fails.” Instead claim 1 recites a plurality of client-side ORBs, each coupled to a different application server instance, from which the client selects a particular client-side ORB according to a load balancing scheme. Contrary to the Examiner’s contention, simply modifying Ramaswamy by creating “redundant” client-side ORBs would not result in what is recited in Applicants’ claim 1.

In further regard to claim 1, the cited art does not teach or suggest at least the features of, “wherein each of the plurality of client-side ORBs is coupled to a server-side ORB of a different one of the plurality of application server instances.”

The Examiner admits that in Ramaswamy a single ORB is used to connect to the server-side ORB, but contends that it would be obvious to “modify Ramaswamy to create multiple ORBs on the client side.” However, simply modifying Ramaswamy to “create multiple ORBs on the client side” would not result in each of the plurality of client-side ORBs being coupled to a server-side ORB of a different one of a plurality of application server instances as recited in Applicants’ claim 1. Moreover, in the Action, the Examiner does not address this specific limitation.

In further regard to claim 1, the cited art does not teach or suggest at least the features of a client configured to “select one of the plurality of client-side ORBs on the client machine according to a load balancing scheme in response to a request to access the application server, and access a particular one of the plurality of application server instances via the selected client-side ORB coupled to a server-side ORB of the particular application server instance.”

The Examiner admits that in Ramaswamy a single ORB is used to connect to the server-side ORB, but contends that it would be obvious to “modify Ramaswamy to create multiple ORBs on the client side.” However, simply modifying Ramaswamy to “create multiple ORBs on the client side” would clearly not result in the above limitations as recited in claim 1. Moreover, in the Action, the Examiner does not address these specific limitations.

Thus, for at least the reasons presented above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 1 apply to claims 6, 12, and 17.

In regard to claim 5, contrary to the Examiner’s assertion, the cited art does not teach or suggest at least the limitations of, “wherein each client on a respective one of the one or more client machines is further configured to select a different one of the plurality of client-side ORBs on the client machine according to the load balancing scheme in response to another request to access the application server and access a different one of the plurality of application server instances using the different client-side ORB coupled to a server-side ORB of the different application server instance”

The Examiner cites Ramaswamy, paragraph [0051], as allegedly teaching these limitations. However, contrary to the Examiner’s assertion, this paragraph does not teach or even suggest a client selecting a different one of a plurality of client-side ORBs on the client machine according to a load balancing scheme in response to another request to access the application server, and accessing a different one of the plurality of application server instances using the different client-side ORB coupled to a server-side ORB of the different application server instance. Instead, this paragraph is directed at distributors 242 and 244 on Ramaswamy’s client system distributing client requests across objects on Ramaswamy’s servers via a single client-side ORB 236. Moreover, as noted above in regard to claim 1, simply modifying Ramaswamy’s system with “redundant client-side ORBs” would not produce the limitations as recited in Applicants’ claim 5.

Thus, for at least the reasons presented above, the rejection of claim 5 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 5 apply to claims 10, 16, and 21.

The Office Action rejected claims 2-4, 7-9, 13-15 and 18-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ramaswamy in view of AAPA. Applicants respectfully traverse these rejections for at least the following reasons.

In regard to claim 3, contrary to the Examiner's assertion, Ramaswamy and AAPA does not teach or suggest that said creation of a plurality of client-side ORBs and said selection of one of the plurality of client-side ORBs according to a load balancing scheme are performed by a Context Factory class. The Examiner refers to the admitted existence of JNDI and states that it would have been obvious to modify Ramaswamy to include the use of JNDI. However, merely using JNDI in Ramaswamy would not result in the specific limitations recited in claim 3. Therefore, the Examiner has failed to state a *prima facie* rejection. More specifically, employing JNDI in Ramaswamy would not mean that the clients in Ramaswamy would use a Context Factory class to both create and select among a plurality of client-side ORBs. There is absolutely no evidence of record whatsoever to support the rejection of this claim.

Thus, for at least the reasons presented above, the rejection of claim 3 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks as those above regarding claim 3 apply to claims 8, 14, and 19.

Applicants also assert that the rejection of numerous ones of the dependent claims under both § 103(a) rejections is further unsupported by the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-71800/RCK.

Respectfully submitted,

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Date: June 23, 2009